

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Justice Smith,)	Case No. 6:24-cv-03247-JDA
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
South Carolina DEA Narcotics)	
Federal Agents,)	
)	
Defendant.)	

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 16.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.

Plaintiff’s pro se Complaint was entered on the docket on May 30, 2024 [Doc. 1], and an Amended Complaint was entered on the docket on June 13, 2024 [Doc. 6]. On June 20, 2024, the Magistrate Judge issued an Order directing Plaintiff to file the documents necessary to bring the case into proper form for the issuance and service of process. [Doc. 8.] Plaintiff was informed that his failure to comply with the Order within the time permitted would subject his case to dismissal. [*Id.* at 2.] Plaintiff did not respond to the Order within the time prescribed, and on July 19, 2024, a second Proper Form Order was issued. [Doc. 12.] The second Order instructed Plaintiff for the second time to file the documents necessary to bring the case into proper form and warned that failure to provide the necessary information and paperwork within the time prescribed would subject the case to dismissal. [*Id.* at 1.] Plaintiff did not respond to the second Order

within the time prescribed, and on August 5, 2024, the Magistrate Judge issued a Report recommending that the matter be summarily dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with orders of the Court. [Doc. 16.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [*Id.* at 6.] Plaintiff has filed no objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, this action is summarily DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

September 3, 2024
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.